

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Michael D. Cook,)	
)	C/A No. 6:15-2431-MBS
Plaintiff,)	
)	
vs.)	
)	
Nancy A. Berryhill, Acting Commissioner,)	ORDER
Social Security Administration,)	
)	
Defendant.)	
_____)	

On June 16, 2015, Plaintiff Michael D. Cook brought this action to obtain judicial review of a final decision of Defendant Acting Commissioner of Social Security denying Plaintiff's claims for disability insurance benefits and supplemental security income benefits. See 42 U.S.C. § 405(g). On July 28, 2016, the court remanded the Commissioner's decision pursuant to sentence four of § 405(g) for further administrative proceedings. By order filed November 9, 2016, the court awarded attorney's fees and expenses in the amount of \$3,432.38 to Plaintiff's counsel pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

This matter now is before the court on Plaintiff's motion for attorney's fees filed June 16, 2017. Counsel moves for an order awarding an attorney's fee of \$27,063.50 under the Social Security Act, 42 U.S.C. § 406(b).¹ On July 19, 2017, the Commissioner filed a response informing the court that she has no objection to Plaintiff's motion for fees. Accordingly,

IT IS ORDERED that Plaintiff's motion for fees under 42 U.S.C. § 406(b) be **granted** in

¹ The fee requested constitutes 25% of the past due benefits awarded to Plaintiff, in accordance with the fee agreement between Plaintiff and counsel and as permitted by 42 U.S.C. § 406(b). Plaintiff received past benefits in the amount of \$108,254.00.

the amount of \$27,063.50. Plaintiff's counsel indicates that, once the fees requested in this case are approved, he will refund to Plaintiff the \$3,432.38 previously paid to him.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

August 1, 2017